

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
April 22, 1999**

PRESENT: Richard Hinsman, Bettye Lawrence, Harold Lee, Jerome Nelson, Nancy Gerrard, Richard Kollmansberger, and James R. Imhoff (arrived at 10:15).

STAFF PRESENT: Cletus Hansen, Donald Rittel, Jan Neitzel, and Becky Fry; Division of Enforcement staff were present for portions of the meeting.

GUESTS: Rick Staff, WRA

CALL TO ORDER

The meeting was called to order at 10:10 a.m. by Richard Hinsman, Vice Chair, upon confirmation that the public notice was timely given. A quorum of seven members was present.

AGENDA

MOTION: Nancy Gerrard moved, seconded by Harold Lee, to adopt the agenda as published. Motion carried unanimously.

MINUTES (3/26/99)

MOTION: Jerome Nelson moved, seconded by Nancy Gerrard, to approve the minutes as written.

The Board was advised of an error in the minutes for March 25, 1999, regarding acceptance of written comments on RL 12 and RL 25. Minutes were changed to, "Written comments will be considered until April 8, 1999".

MOTION: Nancy Gerrard moved, seconded by Harold Lee, to approve the change in the minutes as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings recognized the Boards efforts in meeting timelines.

Division Administrator's Report

The Board received the statistics relating to cases screened March 25, 1999, by the Real Estate Screening Panel.

LEGISLATIVE UPDATE

Home Ownership Counseling Certification Program

The Board received a notice of Senator Gwendolynne Moore's proposal relating to the creation of the certification of home ownership counseling. Noted.

Other Bills Relating to Real Estate Regulation

The Board noted the introduction of a bill relating to the sale of businesses and the transfer of assets and inventory.

ADMINISTRATIVE RULES

Update on RL 12 and RL 25 re: Education Requirements

Clete Hansen noted that revisions to RL 12 and RL 25 are about ready for the Legislative committees.

Issues for Future Rulemaking

- Full-Time Branch Office Manager – Sec. 452.12(3), Stats., and Ch. RL 17

Jim Imhoff, Don Rittel, and Rick Staff will meet May 5, 1999, to discuss how “full-time” relates to supervising branch offices and principal offices, the “responsibility for the licensed activity of agents”, and RL 17.10(d). Clarification will occur at the June 24, 1999, board meeting.

- Disclosure of Licensed Status – RL: 25.05(5) and RL 25.07(8)(a)2

Nothing to report.

- Submittal of Offer by Licensee – RL 24.13(3)(b)

Jim Imhoff, Don Rittel, and Rick Staff will meet May 5, 1999, to discuss Real Estate agents submitting offers to purchase. Clarification will occur at the June 24, 1999, board meeting.

- Disclosure of Licensed Status in Ads for Rental Properties – 24.04(2)

Nothing to report.

- All Negotiations With The Buyer Must Be With Buyer's Buyer-Agent – RL 24.13(5)

Nothing to report.

- Scope Statement

The Board agreed to publish the “Scope Statement” regarding proposed revisions to RL 12, 17, 24, and 25, and suggested that “RL 24” follow the words “in review of the ethics provisions”.

MOTION: Richard Hinsman moved, seconded by Harold Lee, to publish the “Statement of Scope for Proposed Rule”. Motion carried unanimously.

Reciprocity of Licensure (Wisconsin and Illinois)

The Board discussed the memo from Clete Hansen to Norm Willoughby dated March 26, 1999, re: Illinois and Wisconsin reciprocity. The Board noted that reciprocity could take place when applicants in other states are exempt from the sales portion of the real estate exam.

Report of the Contractual Forms Advisory Committee

The Board received a copy of Rick Staff’s memo dated April 6, 1999, re: Loan Commitment Delivery Issues. Noted.

Jim Imhoff advised the Board of the Contractual Forms Advisory Committee’s discussion regarding revisions to the listing and offer forms.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

The Board received a copy of the letter dated March 24, 1999, from Michael J. McTeague, Minnesota Department of Commerce. Noted.

NEW BUSINESS

None.

PUBLIC COMMENT

None.

RECESS TO CLOSED SESSION

MOTION: Richard Hinsman moved, seconded by Harold Lee, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring reports, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Nancy Gerrard-yes; Richard Hinsman-yes; Richard Kollmansberger-yes; Bettye J. Lawrence-yes; Harold Lee-

yes; Jerome M. Nelson-yes; James R. Imhoff-yes. Motion carried unanimously.

Open Session recessed at 10:30 a.m.

The Board deliberated on case closings, stipulations and monitoring issues.

Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: Jerome Nelson moved, seconded by Nancy Gerrard, to adjourn the Closed Session and to reconvene in Open Session at 10:40 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Nancy Gerrard moved, seconded by Jerome Nelson, to close the following case presented by the Division of Enforcement for closing. Motion carried unanimously.

98 REB 273 Carol P. Alioto, Michael E. Reed, and Calumet Realty and Invest Corp.

STIPULATIONS

Jesse Mc Intyre (Dubuque IA)

MOTION: Richard Hinsman moved, seconded by Jerome Nelson, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matters involving **Jesse Mc Intyre**. Motion carried unanimously.

Cheryl L. Stinson (Kenosha WI)

MOTION: Richard Hinsman moved, seconded by Bettye Lawrence, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matters involving **Cheryl L. Stinson**. Motion carried unanimously.

Kevin S. Bahe (Monroe WI)

Stipulation withdrawn by consensus.

George R. Huxhold (Kenosha WI)

MOTION: Jerome Nelson moved, seconded by Richard Kollmansberger, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matters involving **George R. Huxhold**. Motion carried unanimously.

William J. Kratzke (Shorewood WI)

MOTION: Bettye Lawrence moved, seconded by Richar Kollmansberger, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matters involving **William J. Kratzke**. Motion carried unanimously.

MONITORING REPORT

Robert D. Chitko (Algoma WI)

MOTION: Harold Lee moved, seconded by Jerome Nelson, to reinstate Robert D. Chitko's full license. Motion carried unanimously.

ADJOURNMENT

MOTION: Jerome Nelson moved, seconded by Richard Hinsman, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 10:45 a.m.